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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/811,011

03/15/2001

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02/27/2006

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EXAMINER

DENNISON, JERRY B

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/811,011	Applicant(s) WARRIER ET AL.	
	Examiner J. Bret Dennison	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to the Amendment for Application Number 09/811,011 received on 09 November 2005.
2. Claims 1-37 are presented for examination.

Specification

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR

1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

The disclosure is objected to because of the following informalities:

- 3. The Specification does not include a Brief Summary of the Invention: See MPEP § 608.01(d).

Appropriate correction is required.

Claim Objections

Claims 1, 6, 9, 17, 21, 25, 27, 28, 33, 36 are objected to because of the following informalities:

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4. Claim 1 recites the limitation, "**so that** said communicating may traverse the translating access point which translates network traffic **so as to apparently originate** from the access point without breaking the protocol".
5. Claims 6, 25, 28, recite similar language.
6. Claims 21, 36 include the limitation, "**so that**" multiple times in the claims.
7. Claims 9, 17, 27, 28, 33 include the limitation, "**so that**" in the claims.
8. Claim 11 includes the limitation, "**such that**" in the claim.

The language "**so that**", "**such that**," and "**so as to apparently...**" appear to be nothing more than a consequence and therefore do not hold any patentable weight, since they simply express an intended result. See MPEP 2111.04.

Appropriate corrections to these claims are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claims 1, 25 recite the limitation, "a first machine communicating with a second machine using a protocol that sends the first machine's network configuration data".

From this limitation, the second machine is **receiving network configuration data**.

Claim 1 also recites the limitation, "receiving from a network configuration server a network configuration". This limitation also recites **network configuration data that is received**.

The third limitation of claim 1 recites, "providing according to the protocol said **received network configuration...**" It is unclear as to which "received network configuration" the third limitation is referring. Therefore, there is insufficient antecedent basis for this limitation in the claim.

10. Claims 1, 25 recite the limitation, "a first machine communicating with a second machine using a protocol that sends the first machine's network configuration data".

It is unclear to Examiner how a protocol sends the first machine's network configuration data. It is unclear how a protocol can send anything, since a protocol is a form of communication (i.e. a format) and not actually a physical device.

11. Claims 1, 25 recite the limitation, "a first machine communicating with a second machine using a protocol that sends the first machine's network configuration data in an application data **sent** to the second machine via a translating access point".

It is unclear to Examiner if the first machine sends the network configuration data to the second machine, OR, if the first machine sends the network configuration data (to who

knows where), wherein that data has **already been sent** to the second machine. If the first meaning is accurate, Examiner suggests removing the word "sent" as this term means "something that has already been sent".

12. Claims 1, 25 recite the limitation, "receiving from a network configuration server a network configuration". It is unclear to Examiner as to what is receiving this network configuration. The first limitation of the claim includes a first machine, a second machine, and a translating access point. It is unclear to which of these devices this limitation is referring.

13. Claims 1, 25 recite the limitation, "so that said communicating **may traverse** the translating access point which translates network traffic so as to apparently originate from the access point without breaking the protocol". This language is indefinite for failing to particularly point out what the claim actually **requires**. Any language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. See MPEP 2106, section II, subsection C for specific examples.

14. Claim 1, 25 recite the limitation, "using a protocol that sends the first machine's network configuration data in an application data". It is vague and unclear what this limitation means by "configuration data in an application data".

15. Claims 6 and 28 recite the limitation, "receiving a request for a first address of a first machine on the first network". It is vague and unclear to Examiner as to what is receiving this request. The other limitations have the same confusion. The limitations include "receiving a first address" and "allocating a second address from a server" and "providing the second network address in response to the request" but there is no sense of direction for this communication. It is unclear to Examiner what is receiving, what is providing. The preamble of the claim mentions different machines on different networks but the limitations are not associated with any of the elements. Claims 17, 21, 33 include the same confusion as claims 6 and 28.

Claim 17 recites, "a method for machines on an internal network...the method comprising: receiving first network traffic from a network driver executing on a first machine". First the claim says "a method for machines on an internal network", then the first limitation says receiving **from** a machine on the internal network." It is unclear to Examiner what is receiving the network traffic. Since the method is for machines on the internal network, Examiner is unclear if the receiving is by another machine on the internal network.

16. Claim 17 includes the limitations, "receiving first network traffic from a **network driver** executing on the first machine", and "providing the external address to a **network driver** of the first machine". It is unclear if these references are to the same network driver. Claim 17 also recites the limitation, "establishing a tunnel through the access point to **the network driver**". It is unclear which network driver is referred to by this

limitation. Therefore, there is insufficient antecedent basis for these limitations in the claim.

17. Claims 21, 36 recite the limitation "said driver" multiple times in the claim. There is insufficient antecedent basis for this limitation in the claim.

18. Claims 21, 36 recite the limitation "said program" multiple times in the claim. There is insufficient antecedent basis for this limitation in the claim.

19. Claims 21, 36 recite the limitation "the server" multiple times in the claim. There is insufficient antecedent basis for this limitation in the claim.

20. Claims 21, 36 recite the limitation "said endpoint" multiple times in the claim. There is insufficient antecedent basis for this limitation in the claim.

21. Claim 33 recites the limitation "such traffic routes". There is insufficient antecedent basis for this limitation in the claim.

22. Claims 1, 6, 17, 21, 25, 28, 33, and 36 recite the limitation (or similar language), "so as to apparently originate from the access point." It is unclear to Examiner as to who or what this is apparent to.

23. Applicant's arguments filed 1/18/2005 and 11/9/2005 have been fully considered but they are not persuasive. Since the claims are replete with claim objections and 112 rejections, Examiner cannot reasonably define the scope of the invention. Therefore, Applicant's arguments are noted, however Examiner maintains the views previously provided. The rejection issued in the Final Office Action mailed 06/10/2005 remains applicable for rejecting the claims as they are currently presented, and is therefore incorporated by reference. Examiner invites Applicant to an interview to resolve any outstanding issues in order to expedite prosecution.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

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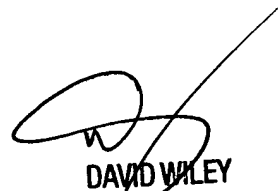
Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. B. D.
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